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International Residual Mechanism for Criminal Tribunals

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International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the third annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1).

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Letter of transmittal

Letter dated 31 July 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the third annual report of the International Residual Mechanism for Criminal Tribunals, dated 31 July 2015, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

Third annual report of the International Residual Mechanism Criminal Tribunals

Summary

The present report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2014 to 30 June 2015.

The Mechanism is now operating on two continents and performing functions inherited from both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. These functions include attending to judicial matters, providing protection to witnesses, supervising the enforcement of sentences and managing archives.

During the reporting period, the President supervised matters related to the management of the Mechanism, coordinated the work of the Chambers and issued a large number of orders and decisions on issues including the enforcement of sentences and the monitoring of cases referred to Rwanda. The Appeals Chamber delivered its first appeal from a judgement and issued a number of decisions in that and other cases. In addition, single judges rendered a large number of orders and decisions on a range of matters, including the variation of protective measures.

The Office of the Prosecutor focused on the activities within its remit, including the tracking of the remaining fugitives indicted by the International Criminal Tribunal for Rwanda, the rendering of assistance to national authorities and the prosecution of the Mechanism's first appeal from judgement. In addition, the Office of the Prosecutor established systems and procedures to streamline its operations and ensure greater coordination between its offices at the two branches.

The Registry provided and coordinated an increasing range of administrative and judicial support services for the Mechanism as it prepared for the closure of the International Criminal Tribunal for Rwanda and assumed increasing responsibility for activities formerly managed by the International Tribunal for the Former Yugoslavia. It offered protection and support services to witnesses, worked on various aspects of the enforcement of sentences handed down by the Tribunals and collaborated with the Tribunals on the preparation of records and archives for transfer to the Mechanism. The Registry also assisted in the conclusion of a host State agreement with the Netherlands and is managing the construction of the new premises for the Arusha branch. On the administrative front, the Mechanism continued the gradual process of establishing its own administrative capacity.

I. Introduction

1. The third annual report of the Mechanism outlines the activities of the Mechanism for the period from 1 July 2014 to 30 June 2015.

2. On 1 July 2013, the Mechanism opened its branch in The Hague. As a result, the Mechanism now has branches on two continents; the first branch, located in Arusha, United Republic of Tanzania, opened on 1 July 2012. Consistent with its statute and the transitional arrangements, the Mechanism has been assuming increasing responsibilities and functions from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

3. The Mechanism's mandate includes ensuring the trial of certain fugitives indicted by the International Criminal Tribunal for Rwanda. To date, all International Tribunal for the Former Yugoslavia fugitives have been apprehended and transferred to that Tribunal for trial. Of the persons indicted by the International Criminal Tribunal for Rwanda, nine individuals are still at large. Three of the nine, who are alleged to have played senior leadership roles, are expected to be tried by the Mechanism, and the cases of the remaining six have been referred to Rwanda for trial.

4. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the dates specified in the transitional arrangements. These activities include retrials of cases completed by the two Tribunals, appeals of their judgements and sentences, reviews of their proceedings, and contempt of court and false testimony cases.

5. In addition, the Mechanism has been tasked with assuming certain functions from the two Tribunals, including the protection of victims and witnesses who have testified in the Tribunals' cases, management of the Tribunals' and Mechanism's archives, supervision of the enforcement of Tribunal sentences, responding to requests for assistance from national authorities in relation to the investigation or prosecution of those alleged to be responsible for serious violations of international humanitarian law in Rwanda and the countries of the former Yugoslavia, and monitoring of cases referred to national courts by the two Tribunals.

6. During the reporting period, the Mechanism conducted a range of judicial and other activities within its remit. The Mechanism also reviewed and developed its legal and regulatory framework, and completed a large part of its recruitment efforts. Although it was still partially reliant on the Tribunals during the reporting period for certain support services, the Mechanism made significant progress in establishing its own administrative capacity.

II. Activities of the Mechanism

A. Organization

7. The Mechanism consists of three organs, which serve both branches of the Mechanism: (a) the Chambers from which trial and appeal benches can be formed as needed, and which is presided over by the President; (b) the Prosecutor; and (c) the Registry, which provides administrative services to the Mechanism, including the Chambers and the Prosecutor.

8. Each organ is headed by a full-time principal common to both branches and serving terms of four years. The President of the Mechanism is Judge Theodor Meron, the Prosecutor for the Mechanism is Hassan Bubacar Jallow, and the Mechanism's Registrar is John Hocking.

9. The Security Council has established that the Mechanism will operate for an initial four-year period, starting from 1 July 2012. Unless the Council decides otherwise, the Mechanism shall continue to operate for subsequent periods of two years, following reviews by the Council of the progress of the Mechanism's work, including in completing its functions.

B. Legal and regulatory framework

10. An agreement between the United Nations and the Netherlands concerning the branch of the Mechanism at The Hague was signed on 23 February 2015. Upon its entry into force, this agreement will, inter alia, regulate matters relating to the proper functioning of the Mechanism in the Netherlands, facilitate its smooth and efficient functioning and create conditions conducive to the Mechanism's stability and independence.

11. The Mechanism further developed procedures and policies building upon the best practices of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. During the reporting period, the Mechanism revised its practice direction on filings made before it. The judges of the Mechanism also adopted a code of professional conduct for the judges of the Mechanism.

C. Mechanism Coordination Council

12. Pursuant to Rule 25 of the Mechanism's Rules of Procedure and Evidence, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, the transfer of functions from the two Tribunals, the strategic plan on acquitted and released persons, budgetary matters, the regulatory framework and other matters of common concern.

D. Rules Committee

13. The President previously assigned two Mechanism judges to compose a Rules Committee, namely Judge Vagn Joensen and Judge Carmel Agius, who are also chairs of the Rules Committees of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively. The Mechanism's Rules Committee considered a number of proposals for amendments to the Rules during the reporting period.

E. Coordination with other tribunals

14. During the reporting period, the Mechanism has coexisted with both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia and has benefited greatly from its two predecessor institutions, receiving significant operational and administrative support from them. The staff of the three institutions have worked together closely and shared institutional knowledge, expertise and lessons learned.

III. Activities of the President and the Chambers

A. Principal activities of the President

15. The President, in his capacity as the head of the Mechanism, has engaged in many issues related to the establishment and management of the Mechanism. He has developed and contributed to the development of various policies, held regular meetings with the Registrar on operational matters and represented the Mechanism in a variety of forums.

16. As mandated by the statute, during the reporting period, the President submitted two biannual reports on the progress of the Mechanism to the Security Council and twice briefed the Security Council on the work of the Mechanism — in December 2014 and June 2015. Also as mandated by the statute, the President presented the Mechanism's second annual report (A/69/226-S/2014/555) to the General Assembly in October 2014.

17. The President interacted with State officials and victims' groups from the former Yugoslavia and Rwanda in The Hague, Arusha and other locations.

18. In his judicial capacity, the President has issued numerous assignment orders, including on the assignment of panels to consider the revocation of cases referred to Rwanda. With respect to the enforcement of sentences, the President issued numerous orders and decisions relating to applications for early release, sentence remission and other public and confidential matters. In addition, the President presided over the Appeals Chamber and served as pre-appeal judge on the Mechanism's first appeal from judgement, in the case of *Augustin Ngirabatware v. the Prosecutor*.

B. Principal activities of single judges/duty judge

19. During the reporting period, single judges at the Arusha and the Hague branches, Judges Bakone Justice Moloto, Burton Hall, Vagn Joensen and Liu Daqun, were seized of and issued orders or decisions in relation to numerous requests concerning assistance to national jurisdictions, the translation of filings, access to confidential information, the variation of protective measures, allegations of contempt, witness recantation, changes in the classification of filings and compensation. Collectively, more than 61 decisions or orders were issued during the reporting period.

20. On 13 May 2015, the President assigned a trial chamber, composed of Judges Vagn Joensen, presiding, William Sekule and Florence Arrey, to consider Jean

Uwinkindi's oral request, made through the Mechanism trial monitor report, for the revocation of the referral of his case to Rwanda. On 5 June 2015, the President referred Mr. Uwinkindi's *pro se* written request on this matter to the same trial chamber. On 21 May 2015, the presiding judge, Judge Vagn Joensen, issued an order assigning himself as pretrial judge and, on 22 May 2015, issued an order as pretrial judge setting the briefing schedule on the revocation request as commencing from the date on which Mr. Uwinkindi was assigned counsel under the Mechanism's legal aid system. On 22 June 2015, the Registrar assigned Mr. Uwinkindi counsel. Briefing on this request was ongoing as at 30 June 2015.

C. Principal activities of the Appeals Chamber

21. During the reporting period, the Appeals Chamber delivered its first appeal judgement in the case of *Augustin Ngirabatware*. A trial chamber of the International Criminal Tribunal for Rwanda convicted Mr. Ngirabatware, a former Minister of Planning of Rwanda, of genocide, direct and public incitement to commit genocide and rape as a crime against humanity and sentenced him to 35 years of imprisonment. Mr. Ngirabatware appealed, and the briefing was completed on 13 August 2013. The Appeals Chamber heard oral arguments in Arusha on 30 June 2014. On 21 November 2014, the Appeals Chamber issued a decision dismissing Mr. Ngirabatware's three motions for the admission of additional evidence on appeal. On 18 December 2014, the Appeals Chamber affirmed Mr. Ngirabatware's convictions for genocide and direct and public incitement to commit genocide. The Appeals Chamber, however, reversed the conviction for rape as a crime against humanity and, accordingly, reduced Mr. Ngirabatware's sentence to 30 years of imprisonment.

22. In addition, on 6 November 2014, the Appeals Chamber denied Eliézer Niyitegeka's request for the assignment of counsel to assist him with an anticipated request for review and the presiding judge issued a related order. On 19 January 2015, the Appeals Chamber denied a similar request from Aloys Ntabakuze for the assignment of counsel for purposes of filing a request for review, after the President, in his capacity as the presiding judge, issued a confidential related decision.

23. As at the conclusion of the reporting period, the Appeals Chamber was seized with a request for review filed by Milan Lukić. The President, in his capacity as presiding judge of the *Milan Lukić* case, has rendered three orders or decisions dealing with confidential requests, with an additional confidential request pending. In addition, the Appeals Chamber was seized with requests for review filed by Sreten Lukić and Eliézer Niyitegeka as well as another confidential matter related to the *Niyitegeka* case. Ferdinand Nahimana has also filed a request for review, which is expected to be assigned to the Appeals Chamber.

IV. Activities of the Office of the Prosecutor

24. During the reporting period, the Office of the Prosecutor continued to discharge its mandate with respect to a variety of activities, including tracking fugitives, rendering assistance to national authorities, monitoring cases referred to national jurisdictions, maintaining and updating fugitive files in anticipation of arrest and conducting litigation before the Mechanism.

25. In addition, during the reporting period, the establishment of systems and procedures to streamline operations and ensure greater coordination between the branches continued. The second joint branch meeting of the Office of the Prosecutor took place in The Hague in December 2014. Since then, the Prosecutor has issued two internal policies (on disclosure and on confidential information obtained pursuant to rule 76 (B) of the Rules of Procedure and Evidence of the Mechanism and rule 70 (B) of the rules of procedure and evidence of both Tribunals). The two branches also coordinated on recruitment processes and in preparing the budget for the next biennium.

A. Arusha branch of the Office of the Prosecutor

26. With the International Criminal Tribunal for Rwanda entering into the final phase of its completion strategy, the Arusha branch of the Mechanism's Office of the Prosecutor continued to focus its efforts on gradually taking full responsibility for all remaining functions of the Tribunal's Office of the Prosecutor.

1. Fugitive tracking and trial readiness

27. The arrest and prosecution of the three fugitives, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, remain a key priority, and the Prosecutor continues his efforts to track those fugitives, with particular emphasis on the southern African and Great Lakes regions. As part of new projects initiated with various partners to disseminate information to the public and renew the call for international cooperation in facilitating the tracking and arrest of the nine remaining fugitives, the Prosecutor launched the International Fugitives Initiative in Kigali on 24 July 2014. This programme has involved the distribution of posters depicting the fugitives and the public dissemination of audio and video materials. In anticipation of the arrest and trial of the Mechanism's fugitives, the Prosecutor has put in place a roster of potential staff to be hired in the event of further fugitives being apprehended and brought to trial.

28. The Prosecutor continued to render assistance to Rwanda, when requested, in the tracking of the six fugitives whose cases have been referred to Rwanda, namely Fulgence Kayishema, Phénéas Munyarugarama, Aloys Ndimbati, Ladislas Ntaganzwa, Ryandikayo and Charles Sikubwabo, and has jointly developed new initiatives with the Rwandan authorities to facilitate these efforts. The Prosecutor is grateful for continued support from INTERPOL, the United States Department of State, through its War Crimes Rewards Program, and some individual Member States in the tracking effort and is particularly grateful for the Security Council's renewed and essential call for all Member States to cooperate with the Mechanism in the arrest and prosecution of the nine remaining fugitives, in its statement to the press of 8 November 2014.

2. Appeal and post-appeal proceedings

29. During the reporting period, the Prosecution prepared and argued the *Ngirabatware* appeal and received the appeal judgement on 18 December 2014. With the conclusion of this case, the ad hoc appeals team prosecuting it was disbanded and the four staff members were separated from service by 31 January

2015. The Office responded to post-appeal motions filed by Eliézer Niyitegeka, Aloys Ntabakuze, François Xavier Nzuwonemeye and Jean de Dieu Kamuhanda.

3. Assistance to national jurisdictions

30. The servicing of foreign requests for assistance has remained an important function of the work of the Office of the Prosecutor. During the reporting period, the Prosecutor responded to 26 requests from eight Member States and international organizations. The Office has institutionalized a system-wide, more efficient response mechanism in order to deal with the volume of documents involved in searches, analyses and classification.

4. Preservation and management of archives

31. During the reporting period, the Arusha branch has taken custody of 3,489 boxes of material received from the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. In addition, the Prosecutor's evidence vault, with a collection comprising 105.55 linear metres of documents, was transferred to the custody of the Arusha branch of the Office of the Prosecutor on 24 April 2015.

32. For the efficient management of the Prosecutor's records and evidence collection, an Associate Records Manager and an Associate Information Manager were recruited on an ad hoc basis and assumed their functions on 4 March 2015 and 1 May 2015, respectively. They are working closely with staff of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda in the classification of its evidence and records in accordance with the Secretary-General's bulletin on issues of information sensitivity, classification, handling and access in relation to international criminal tribunals (ST/SGB/2012/3) and the Mechanism's standard for the preparation and transfer of records for digital records.

5. Monitoring of cases transferred to national jurisdictions

33. The Prosecutor continued to monitor progress in the referred cases of Wenceslas Munyeshyaka and Laurent Bucyibaruta, which were transferred to France in 2007, together with those of Jean Uwinkindi and Bernard Munyagishari, which were transferred to Rwanda in 2012 and 2013, respectively. The investigation phase of the *Munyeshyaka* case has now been concluded, and any trial would be expected to commence and be completed before the end of 2015. In the *Bucyibaruta* case, investigations are now scheduled to be completed by November 2015, and any trial would be expected to commence in the first trimester of 2016.

34. The *Uwinkindi* trial, which commenced on 14 May 2014, continues before the High Court with substantial interlocutory appeals to the Supreme Court in Rwanda. In addition, Mr. Uwinkindi filed a request for revocation of the referral, which is currently pending before a Trial Chamber of the Mechanism. The *Munyagishari* case is still in the pretrial phase before the High Court in Rwanda, and no commencement date has yet been scheduled. On 8 April 2015, the President of the Mechanism dismissed Mr. Munyagishari's third request for revocation of his referral.

6. External relations and other projects

35. During the reporting period, the Prosecutor continued a series of United Nations consultative meetings, diplomatic outreach and round-table discussions that provided a useful forum for sharing experiences and best practices on diverse international criminal justice issues and their local application in domestic courts. The Arusha branch of the Office of the Prosecutor continued to work with its counterpart in the International Criminal Tribunal for Rwanda on a number of projects, including the preparation of a regional training programme on the investigation and prosecution of sexual and gender-based violence, the development of a best practices manual on the referral of international cases to national jurisdictions and a consolidated account of the Rwandan genocide based on facts adjudicated in the judgements of the Tribunal and the Mechanism.

B. The Hague branch of the Office of the Prosecutor

36. While the core posts of the Hague branch of the Office of the Prosecutor are fully staffed, six recruitment processes for ad hoc appeals posts have been completed or are at an advanced stage, in preparation for projected appeals in the *Šešelj* and *Karadžić* cases. Staff members of the Hague branch contribute to Mechanism-wide management by participating in and supporting committees and working groups. In addition, double-hatting arrangements are in place to make effective use of resources, so that staff members of the Hague branch continue to provide assistance to the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in relation to ongoing cases. They continue to receive support from the Tribunal's Office of the Prosecutor to ensure a smooth transition of functions.

1. Appeal and post-appeal proceedings

37. There were no appeals during the reporting period. Ad hoc appeals posts will be filled to prosecute the projected appeals in the *Šešelj* and *Karadžić* cases.

2. Review proceedings

38. The Hague branch of the Office of the Prosecutor responded to a request for review of judgement by Sreten Lukić.

3. Other litigation

39. The Prosecution made submissions in two cases concerning the status of documents on the record in cases completed by the International Criminal Tribunal for the Former Yugoslavia.

4. Diplomatic and external relations

40. During his first official visit to Bosnia and Herzegovina, Croatia and Serbia since starting work at the Hague branch as the Mechanism's Prosecutor, the Prosecutor held meetings with ministers and deputy ministers of foreign affairs and justice in all three States and with other international officials. The Prosecutor also signed memorandums of understanding with prosecutors in the three States regarding the framework for continued assistance provided by the Hague branch in

facilitating access to evidence in The Hague. In Bosnia and Herzegovina, the Prosecutor visited three memorial sites for Bosnian Muslim, Croat and Serb victims.

41. Since then, the Prosecutor has also signed a memorandum of understanding with the Minister of Justice of Bosnia and Herzegovina on facilitating access to evidence in The Hague for the Criminal Defence Section of the Ministry of Justice of Bosnia and Herzegovina. The Prosecutor participated in a conference on genocide organized by witness and victims' groups and in the commemoration of the genocide in Srebrenica in Bosnia and Herzegovina. The Prosecutor also attended the conference on regional cooperation of war crimes prosecutors, hosted by the war crimes prosecutor of Serbia in Palić, Serbia, and the annual conference of regional prosecutors from the former Yugoslavia hosted by the office of the Attorney General of Croatia in Brijuni

5. Assistance to national jurisdictions

42. During the reporting period, there was a continued increase in the volume of requests for assistance beyond the level anticipated in the budget. The Hague branch of the Office of the Prosecutor received 335 requests for assistance from five Member States and one international organization. A total of 579 requests for assistance have been received since the branch started operating on 1 July 2013. Due to the high number of requests for assistance, the Hague branch continued to employ a staff member on a temporary contract to assist in responding to requests for assistance and started to use overtime to avoid the accumulation of too large a backlog from accumulating. The liaison prosecutors embedded with the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia have made a valuable contribution to the efficient handling of requests from Bosnia and Herzegovina, Croatia and Serbia. In responding to requests for assistance, staff located relevant material in the evidence collection of the Office of the Prosecutor of the Tribunal, certified documents, contacted witnesses and sought the consent of providers of confidential information. The Hague branch, together with the Office of the Prosecutor of the Tribunal, provided support to visiting national prosecutors. In addition, the Hague branch filed submissions in nine cases in relation to varying protective measures for the purpose of national proceedings.

43. The Hague branch also applied on behalf of the Prosecutor's Office of Bosnia and Herzegovina for the Registry of the Court of Bosnia and Herzegovina to retain temporary custody of the model of Omarska camp, an exhibit of the International Tribunal for the Former Yugoslavia. The request was granted for a limited period of time.

6. Sentencing matters

44. The Hague branch of the Office of the Prosecutor responded to requests for information from the Registrar of the Mechanism concerning the administration of sentences for nine convicted persons.

45. The Hague branch made submissions with respect to requests for early release, including a request from Stanislav Galić, who was sentenced to life imprisonment. It also responded to applications from convicted persons concerning sentencing matters, to a request from Milan Lukić for reconsideration or review of the decision for him to serve his sentence in Estonia, and to a request from Zoran Žigić to

prevent his extradition to Bosnia and Herzegovina upon being released from serving his sentence.

7. Monitoring of cases transferred to national jurisdictions

46. The Hague branch of the Office of the Prosecutor, with the assistance, in Bosnia and Herzegovina of the Organization for Security and Cooperation in Europe, monitored the resentencing proceedings in the *Milorad Trbić* case, which was referred to Bosnia and Herzegovina in 2007 under rule 11 bis of the Tribunal's rules of procedure and evidence. Originally sentenced to 30 years of imprisonment by the Court of Bosnia and Herzegovina, Mr. Trbić's resentencing followed the finding in 2014 by the Constitutional Court of Bosnia and Herzegovina that he should have been sentenced under the 1976 criminal code of the Socialist Federal Republic of Yugoslavia rather than under the Criminal Code of Bosnia and Herzegovina of 2003. As a result, Mr. Trbić was sentenced to 20 years of imprisonment.

8. Preservation and management of archives

47. The Hague branch of the Office of the Prosecutor is working with the Office of the Prosecutor of the International Criminal for the Former Yugoslavia to prepare for records from the latter to be handed over to the Hague branch. The Hague branch has also been working on enhancing its records management system and procedure and is consulting with the Mechanism's Archives and Records Section and Information Technology Services Section to adopt a system that will be compatible with the future archiving systems of the Mechanism.

V. Activities of the Registry

48. The Registry is responsible for the provision of legal, judicial, policy, diplomatic and administrative support to Mechanism operations.

A. Administration, staffing and facilities

49. As agreed between the two Tribunals and the Mechanism, and in view of the closure of the International Criminal Tribunal for Rwanda at the end of 2015, the Mechanism continued with the establishment of a system of self-administration. The transfer of administrative functions to the Mechanism began on 1 January 2014 and continues to be implemented gradually over the biennium, in step with the downsizing of the Tribunals and with a focus on ensuring efficiency, accountability and consistency.

50. In 2016, the Arusha branch of the Mechanism will assume responsibility for the general services and security functions that are currently being provided by the International Criminal Tribunal for Rwanda. Additionally, the Mechanism has been requested to undertake liquidation activities with respect to the Tribunal during the first half of 2016.

51. As at 30 June 2015, a total of 171 staff (in both posts and providing general temporary assistance positions), had been recruited for the Mechanism: 93 for the Hague branch and 78 for the Arusha branch, including Kigali. The Mechanism's

staff includes nationals of 57 States. Approximately 84 per cent of those recruited were current or former staff of the two Tribunals. Fifty-three per cent of all staff were female and 47 per cent male. For Professional-level staff and above, the figures were 57 per cent female and 43 per cent male.

52. The Hague branch of the Mechanism is co-located with the International Tribunal for the Former Yugoslavia, and will continue to be co-located for the period they overlap. The Mechanism has a strong preference for remaining at its current premises after the Tribunal's closure. Discussions with the host State authorities and the owners of the premises are ongoing, and work on this issue is being coordinated by a working group comprised of representatives of the three organs of the Mechanism.

53. The Arusha branch continues to be co-located with the International Criminal Tribunal for Rwanda, but is expected to move to its new premises in early 2016. The construction phase is ongoing. In February 2015, the Mechanism concluded the contract with a well-established Tanzanian construction company based in Arusha, and ground was broken that same month. The Government of the United Republic of Tanzania has completed the temporary access road to the site, and work on the connection of utilities is in progress. The Mechanism delivers annual progress reports to the General Assembly on the construction project. Moreover, regular updates on the construction progress are posted on the Mechanism's website. The Mechanism is grateful for the cooperation of the Government of the United Republic of Tanzania and for the technical advice of the Secretariat, particularly the Office of Central Support Services and the Office of Legal Affairs.

B. Support for judicial activities

54. The Registry continued to support judicial activities in both branches by preparing and managing court hearings, including the delivery of the appeal judgement in *Augustin Ngirabatware v. the Prosecutor* on 18 December 2014. Additional Registry support included the processing of judicial filings, assigning and remunerating defence teams, and providing translations of correspondence and judicial documents.

55. Further, the Registry continued to support all sections of the Mechanism in the creation of rosters of qualified potential staff from both inside and outside the two Tribunals, in order to ensure that the Mechanism could expand its staffing component rapidly in the event of sudden judicial activity, for instance following the arrest of a fugitive.

56. In addition, the Registry expanded a roster of qualified counsel under rule 43 (B) of the Rules of Procedure and Evidence of the Mechanism who can be assigned to suspects or accused, as well as a roster of duty counsel under rule 43 (C) who are readily available to be assigned to an accused for the purposes of an initial appearance.

C. Support for other mandated activities

1. Witness support and protection

57. Pursuant to its statute and the transitional arrangements, the Mechanism is responsible for witness support and protection functions in relation to thousands of witnesses who have testified in cases completed by the two Tribunals.

58. The Witness Support and Protection Unit is fully operational at both branches of the Mechanism and provides essential protection and support services to witnesses. Consistent with judicial protection orders and in close collaboration with other United Nations entities and domestic authorities, the Unit provides security to witnesses by undertaking threat assessments, coordinating responses to security requirements and safekeeping confidential witness information. In addition, the Arusha branch of the Unit continues to provide support services to witnesses in Kigali, including specialized medical and psychosocial care for witnesses who were victims of sexual or gender-based violence during the Rwandan genocide. Both branches are continuing with the implementation of a pilot study on the long-term impact that testifying before the Tribunals may have on witnesses.

59. At both branches, the Unit continued to contact witnesses in response to requests from national jurisdictions seeking rescission, variation or augmentation of protective measures pursuant to rule 86 of the Rules of Procedure and Evidence of the Mechanism.

60. Finally, as part of the commitment to the maintenance of witness-related records received from the Tribunals, the Unit is in the final stages of establishing a common information technology platform for their respective witness databases.

2. Archives and records management

61. During the reporting period, the Mechanism's Archives and Records Section continued to work closely with the Tribunals on the preparation of their records and archives for transfer to the Mechanism. The Section provided training, advice and practical assistance to Tribunal staff and facilitated both the transfer of active records to Mechanism offices and the transfer of inactive records to the Section itself for storage.

62. It was initially estimated that the archives of the two Tribunals would collectively amount to approximately 15,000 linear metres of physical records. After a more detailed inventory and appraisal, it is now estimated that the total volume will be approximately 10,000 linear metres. The Tribunals' digital archives will contain nearly three petabytes of digital data.

63. Of the estimated total volume of the Tribunals' inactive physical records that are expected to be transferred to the Section when the Tribunals close, the Section had received approximately 75 per cent and 22 per cent from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively, as at the date of the present report.

64. The Section has also received the first transfers of the Tribunals' digital records and has initiated the procurement of a digital preservation system, including a digital repository, for the preservation of the Tribunals' digital archives.

65. The Section is responsible for the management of temporary repositories for physical records in both Arusha and The Hague, pending the development of permanent repositories in both locations. In Arusha, the Section contributed to the design and development of the new Mechanism premises by preparing specifications and estimates of resource requirements for the building that will house the archives, and is developing a plan for the physical move of the archives in the first quarter of 2016, when the construction of the new facility is scheduled for completion. In The Hague, the Section is contributing to discussions on the future premises of the Mechanism, including facilities for housing the archives.

66. The Section has continued to develop Mechanism records and archives policies, including a policy on access to information, standards for record-keeping metadata, and guidelines on managing digital records. The Section has also implemented the electronic document and record management system for non-judicial records of the Registry and is exploring the feasibility of extending its use to the other organs of the Mechanism. In addition, the Section is providing substantive and technical support to the development of a system for managing the judicial records of both Tribunals and the Mechanism.

67. The Section is responsible for the management of the Mechanism's library, in Arusha, which is one of the premier international law research resources in East Africa. It provides research and reference services to the International Criminal Tribunal for Rwanda and Mechanism staff, as well as to external users, including the general public.

68. Finally, the Section organized the first official exhibition of materials from the judicial archives of the International Tribunal for the Former Yugoslavia. The exhibition attracted a significant number of visitors and was well received.

3. Enforcement of sentences

69. During the reporting period, the Hague branch transferred four convicted persons to enforcement States. At the end of the reporting period, the Arusha branch was enforcing 29 sentences in 2 States, and the Hague branch was enforcing 17 sentences in 11 States. Further, seven convicted persons at the United Nations Detention Facility in Arusha and six convicted persons at the United Nations Detention Unit in The Hague are awaiting transfer to an enforcement State.

70. The Mechanism continued to both seek the cooperation of existing enforcement States in enforcing sentences of the Tribunals and the Mechanism and secure additional agreements to increase its enforcement capacity for both branches. Further, the Mechanism has proposed to some of the enforcement States a new model agreement or amendments to the existing agreements to provide greater clarity on financial matters and the respective responsibilities of the enforcement States and the Mechanism. The Mechanism is grateful to the Member States that are enforcing sentences and those that are considering enforcing sentences in future.

71. Throughout the reporting period, the Mechanism continued to rely on the Department of Safety and Security, the designated official in Mali and the United Nations Multidimensional Integrated Stabilization Mission in Mali for advice and reports on the security situation in Mali, where 16 convicted persons under the responsibility of the Mechanism are serving their sentences.

4. Assistance to national jurisdictions

72. The Registry facilitates requests by national authorities or parties to national proceedings for assistance in connection with domestic proceedings related to the genocide in Rwanda or the conflict in the former Yugoslavia. During the reporting period, the Registry received, considered and responded to numerous requests for assistance, including requests to question detained persons and protected witnesses, to vary protective measures for witnesses and to retrieve and transmit confidential and certified material to national authorities.

5. Monitoring of referred cases

73. Pursuant to article 6 (5) of its statute, the Mechanism is responsible for monitoring cases referred by the Tribunals to national courts, with the assistance of international and regional organizations and bodies. During the reporting period, the Mechanism monitored two of the cases referred to Rwanda through monitors from international bodies and interim monitors provided by the International Tribunal for the Former Yugoslavia and the Mechanism. In March 2015, following the conclusion of a memorandum of understanding with the Mechanism on 15 January 2015, the Kenyan section of the International Commission of Jurists started monitoring the cases referred to Rwanda. The Mechanism is working on establishing a similar monitoring arrangement for the two cases referred to France which, in the meantime, are being monitored by an interim monitor from the International Criminal Tribunal for Rwanda. Public monitoring reports are posted on the Mechanism's website.

6. External relations and information-sharing

74. The Mechanism's multilingual website continues to serve as the virtual face of the institution. The audience grew by 50 per cent, with more than 260,000 page views in the last 12 months. The collection of public materials now includes more than 950 case documents and detailed information pertaining to the work and procedures of the Mechanism. Online information on the search for fugitives was added, and a feature highlighting the unique role of the Mechanism's Archives and Records Section was introduced. Additionally, a project was initiated to integrate a database developed by the Section into the website, which will facilitate access to the judicial records and archives of both the Mechanism and the International Criminal Tribunal for Rwanda. Finally, the webpage on the construction of the Arusha facility was regularly updated to reflect the project's advancement.

VI. Conclusion

75. The Mechanism's progress in completing its judicial and other work swiftly while maintaining the highest of standards underscores its commitment to the mandate entrusted to it by the Security Council and to serving as a model for international criminal justice institutions. As the Mechanism increasingly assumes responsibility for all aspects of the two Tribunals' work, it will continue to focus on completing its mandate in a lean and efficient manner.